



R A N D

June 28, 2011

Law Offices of Adam Shore  
100 Park Avenue, Suite 1600  
New York, NY 10017  
Att: Adam Shore, Esq.

Re: 1066 Second Avenue (a.k.a. The Plaza Diner)  
ADA Compliance Evaluation

Dear Adam:

As requested, on Wednesday, June 15, 2011, I visited the above-referred property to visually observe the 1<sup>st</sup> floor Plaza Diner in regard to ADA compliance.

This report addresses requirements for providing ADA-compliant accommodations at The Plaza Diner, including accessible access from the public sidewalk (along Second Avenue) into the diner, an accessible route through the public space, and an accessible restroom.

*The Americans with Disabilities Act:*

Throughout this letter report, the term “ADA”, which stands for “The Americans with Disabilities Act” is used as a generic reference for all applicable barrier-free codes, laws and guidelines that pertain to universal accessibility – specifically, the following:

- The Federal Americans with Disabilities Act (ADA). ADA Standards for Accessible Design, Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities (28 CFR Part 36 - revised as of July 1, 1994).
- New York State Executive Law: Article 15: the Human Rights Law.
- NYC City Local Law 58 of 1987 (LL58/87) (amendment to NY City’s Building Code).

(Note: Each of the above codes/laws is based upon the American National Standards Institute (ANSI) standard A117.1.)

**RAND ENGINEERING & ARCHITECTURE, PC**

159 WEST 25TH STREET, 12TH FLOOR, NY, NY 10001 P: 212 675 8844 F: 212 691 7972 www.randpc.com

Observations:

There appears to be only one public entrance into The Plaza Diner, along the sidewalk of Second Avenue. In order to enter from the sidewalk, a person must step up one stair (height varies), operate/pass through the outer out-swing door, and enter a vestibule. Once in the vestibule, a person must operate/pass through the inner out-swing door immediately to the left.

Once inside the diner, there are fixed tables and seating throughout; a counter with bar seating along the north side of the establishment (presumably the counter/bar also serves as a transaction counter); and restroom facilities along the rear consisting of one toilet and one sink.

Analysis:

It is my professional opinion that making The Plaza Diner fully ADA-compliant to the public would be challenging given the current layout. However, modifications can be made to make the space more accessible and closer to barrier-free, including the following:

1. *Entrance:* The step between the public sidewalk and the vestibule level is not allowed pursuant to the ADA codes. Additionally, the inner and outer entrance doors do not have the required clear floor space to allow for accessible maneuvering.

To address the step, a small ramp can be constructed from the sidewalk level up to the vestibule level. The ramp should be constructed to meet all applicable accessibility requirements, which would include proper landings, a sloped ramp surface, railings, and signage.

To address the clear floor space at the inner and outer entrance doors, the existing entrance vestibule/doors can be modified to allow for the required maneuvering clearances at doors. Modifications may include reconfiguring the existing vestibule and storefront glass, as well as relocating/reswinging the inner and outer doors.

2. *Transaction Counter:* The counter/bar, which presumably serves as a transaction counter, is too high to meet ADA code requirements.

To address this condition, a section of the existing counter/bar area can be lowered to comply with accessibility code requirements. The width and height of the lowered section should meet all applicable accessibility requirements, which would require that the modified section be a minimum of 36 inches (915 mm) in length and a maximum of 36 inches (915 mm) in height above the finished floor.

-3-

3. *Restroom Facilities:* The existing restroom facilities do not comply with ADA codes. Code issues concerning the restroom include the fact that existing sink, toilet and washroom accessories do not meet the code requirements for those items; the restroom does not have the required clear floor space to allow for accessible maneuvering; and there are no grab bars along the toilet.

Modifications can be performed to make the restroom more accessible and closer to barrier-free, including relocation/replacement of the existing sink and toilet to provide code-compliant fixtures with the required clear floor space; and installation of ADA-compliant washroom accessories (such as an adjustable mirror, soap dispenser, paper towel dispenser, grab bars, etc.).

4. *Seating/Tables:* The existing fixed seating and tables do not allow the required clear floor space and accessible route through the space.

Modifications can be made to the layout of the existing seating/tables to provide the required clear floor space and accessible route through the space.

5. *Signage:* Once the above-detailed modifications are made to the space, code-compliant visual, directional and/or tactile signage regarding services should be installed as needed throughout.

Please be aware that before performing any of the above-detailed modifications, all proposed changes should be designed to meet all applicable code requirements and then filed with the NYC Department of Buildings (DOB) in order to obtain a Work Permit. All recommendations in this report are subject to review and approval by the DOB, MOPD (Mayor's Office for People with Disabilities) and all other governmental agencies having jurisdiction.

Since RAND is not an environmental consultant, the Owner will need to retain the services of an environmental consultant to provide a report on the presence of any possible hazardous materials (especially lead) to be disturbed by the work of this project.

Please keep in mind that this report has been based on visual observations only. Additional analysis and investigative probing may be required.

Feel free to contact us if you have any questions regarding this report or require further assistance from our office in this matter. Thank you for the opportunity to be service.

Sincerely,  
RAND Engineering & Architecture, PC

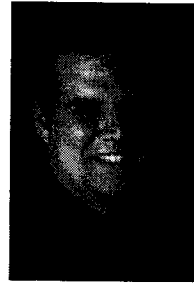


Leon Y. Geoxavier, RA  
Project Architect

LYG:mmi

Z110606.cor

**EXHIBIT A**



**Leon Geoxavier, RA  
Project Architect**

As a member of Rand's Architectural Team, Leon Geoxavier works on a variety of projects in architectural and interior design, including window and door replacement, interior alterations, exterior restoration, feasibility studies, and leakage evaluations. Leon's main responsibilities are conducting site work; preparing drawings, specifications, and reports; administering repair work; and acting as client liaison. He works closely with project managers, contractors, and clients to monitor project progress. Leon also helps clients abate Department of Buildings and Environmental Control Board building violations.

Some of the window replacement projects that Leon has worked on include 340 East 93<sup>rd</sup> Street (814 openings, \$1,400,000 construction costs), 159 West 53<sup>rd</sup> Street (812 openings, \$1,020,000), 347 West 57<sup>th</sup> Street (894 openings, \$916,000), Fashion Institute of Technology Co-Ed Residence Hall (294 openings, \$855,000), Roosevelt Gardens (1,980 openings, \$789,000), 305 West 98<sup>th</sup> Street (822 openings, \$526,000), and 114 Morningside Drive (254 openings, \$236,000).

Before joining Rand, Leon worked for two New Orleans-based firms, Crosby Longo Architecture Studio (CLAS) and Hebeisen Architects Inc (HAI). At CLAS, which specializes in constructing veterinary facilities, Leon participated at various project stages, from programming and design through construction administration and sign-off. At HAI, Leon worked primarily on interior projects, focusing on space planning and interior tenant build-out projects for corporate, commercial, and institutional clients. His responsibilities included conducting planning and programming sessions, assembling finish plans and sample boards, preparing renderings, coordinating drawings and bid packages, and confirming that contractors and procedures complied with local, state, and federal regulations.

Leon received both a Bachelor and a Master of Architecture degree and a Certificate of Preservation Studies from Tulane University in New Orleans. He is a Registered Architect in New York, Pennsylvania, and Texas, and he holds an NCARB Certificate, a National Credential from the National Council of Architecture Registration Boards. Leon is also an associate member of the American Institute of Architects and an associate member of the International Interior Design Association.

**EXHIBIT B**

## LEON YUDKIN GEOXAVIER

(646) 245 - 6222 / leongeoxavier@hotmail.com / 33-24 93<sup>rd</sup> Street, #5W / Jackson Heights / NY / USA / 11372

### EDUCATIONAL BACKGROUND

---

TULANE UNIVERSITY, SCHOOL OF ARCHITECTURE  
Bachelor of Architecture (5-year B. Arch/Masters)  
Certificate in Preservation Studies (Historic Preservation)

New Orleans LA  
May 2003  
May 2002

SANTA MONICA HIGH SCHOOL  
High School Diploma with Honors

Santa Monica CA  
May 1998

### PROFESSIONAL EXPERIENCE

---

RAND ENGINEERING & ARCHITECTURE, PC  
*Project Architect*

New York, NY  
July 2003 - Present

#### MULTI-FAMILY RESIDENTIAL, INSTITUTIONAL, EXTERIOR REPAIR

Created / Revised Construction Documents and Specifications; Drafted / Revised Budget Projections and Anticipated Timelines;  
Researched / Specified materials and equipment; Prepared AIA Contract Documents; Assisted Clients with Project Development,  
management and contractor interview/selection; Prepared proposals and assisted in firm marketing.

CLAS / CROSBY LONGO ARCHITECTURE STUDIO  
*Intern Architect*

New Orleans LA  
Sept. 2001- May 2003

#### HEALTHCARE, INSTITUTIONAL, RESIDENTIAL, & EDUCATIONAL

Created / Revised construction documents (Performed on AutoCad 2000) Performed drawing coordination with contractors,  
engineers and consultants, in person and via correspondence. Specified materials and equipment based on client information or  
with supervising architect.

HEBEISEN ARCHITECTS INCORPORATED  
*Draftsman ('99), Team Designer -Interiors ('00), Intern Architect ('01-'02)*

New Orleans LA  
July 1999 - Aug 2002

#### CORPORATE, HOSPITALITY, INSTITUTIONAL, & RESIDENTIAL

Developed space plans & interior designs, from Pre-Planing & Programming through Construction Administration  
Created / revised construction documents, performed drawing coordination.  
Rendering, Interior finish selection, sample board construction, and material specification.  
Supervised applications for government permits, working with plan reviewers and meeting with officials during C.A.

CARDE TEN ARCHITECTS  
*Office Intern*

Santa Monica CA  
Jan - May 1998

#### INSTITUTIONAL

Researched product information, assembled study models and presentation boards

### PROFESSIONAL DEVELOPMENT

---

NYS Registered Architect (RA)  
PA Registered Architect (RA)  
NYS Asbestos Investigator